

School Administrative District No. 53

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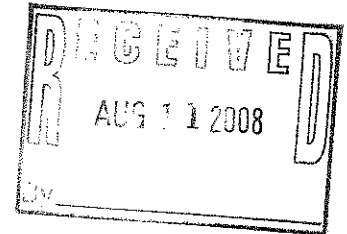
Pittsfield

Excellence in Education

Michael A. Gallagher
Superintendent of Schools

August 8, 2008

Commissioner Susan A. Gendron
Maine Department of Education
23 State House Station
Augusta, ME 04333-0023



Dear Commissioner Gendron,

I am writing this letter in response to your letter dated July 23, 2008 to respectfully disagree with the opinion of the Assistant Attorney General Sarah Forster who you indicated: "that (you) do not have the authority to waive penalties in this situation because MSAD #53 would not meet the minimum enrollment requirements of at least 1,200 students and would be out of compliance with the law, therefore MSAD #53 would be subject to all penalties as described in Title 20-A MRSA, Section 15696." I would share with you that the Board and I were amazed at your response and anticipate that the citizens of the district would be taken back by the "interpretation" given the ballot language on which they voted. The citizens voted using the prescribed ballot question and explanation as follows:

"ARTICLE 1: Do you favor approving the school administrative reorganization plan prepared by MSAD #53 and MSAD #59 Reorganization Planning Committee to reorganize MSAD #53 and MSAD #59 into a regional school unit, with an effective date of July 1, 2009?"

Explanation: A "YES" vote means that you approve of MSAD #53 joining the proposed regional school unit, which will be provided with the following incentives:

More favorable consideration in approval and funding of school construction projects; and eligibility for additional financial support for reorganization costs.

A "NO" vote means that you do not approve of MSAD #53 joining a regional school unit, which will result in the existing MSAD #53 receiving the following penalties:

Less favorable consideration in approval and funding of school construction projects; and a reduction in state funding of education costs in an amount estimated to be \$175,000 for school year 2010 and \$180,000 for 2011, with the possibility of ongoing penalties for continued failure to join an approved regional school unit. Reductions in state education funding will likely result in an increased mill rate expectation to meet the local share of education costs."

Furthermore, I know that the consultants hired by the state to facilitate RPC meetings with districts have been informing the RPC members and other citizens that by voting yes they would not suffer the penalties. That same message had been delivered to the citizens of MSAD #53.

It is our contention that MSAD #53 should suffer no loss of state subsidy since the ballot question voted on by its citizens states that by voting "yes" the district would be provided with incentives i.e. more favorable consideration in approval of funding of school construction projects and eligibility for additional financial support for reorganization. This is in direct contradiction to the language of Title 20-A MRSA, Section 15696 (1.) (D.) cited by the Assistant Attorney General which states, "The school administrative unit receives less favorable consideration for approval and funding for school construction pursuant to rules of the state board..." Furthermore, the language of the ballot implies that a "yes" vote would remove the burden of reduced state subsidy since it is the opposite of a "no" vote which specifically states that "a reduction in state funding of education costs in an amount estimated to be \$175,000 for school year 2010 and \$180,000 for 2011". If it was the intent of the legislature to penalize districts who voted either yes or no then the ballot was certainly misleading.

As I am sure that you are aware, MSAD #53 worked diligently with MSAD #59 and was one of only two potential new RSU's in the entire state who were prepared to go to the citizens on June 10, 2008 for a vote. The voters of MSAD #53 voted in favor of the plan (219 yes/100 no). MSAD #59 did not vote in favor of the plan (349 yes/381 no) yet both districts' fates are the same.

I kindly ask that you reconsider the information provided in your previous letter. The MSAD #53 School Board, the citizens of the communities making up MSAD #53 and I look forward to your response.

Sincerely,



Michael A. Gallagher

pc Mr. Bob Downs, MSAD #53 Board Chair
Jennifer Pooler, DOE